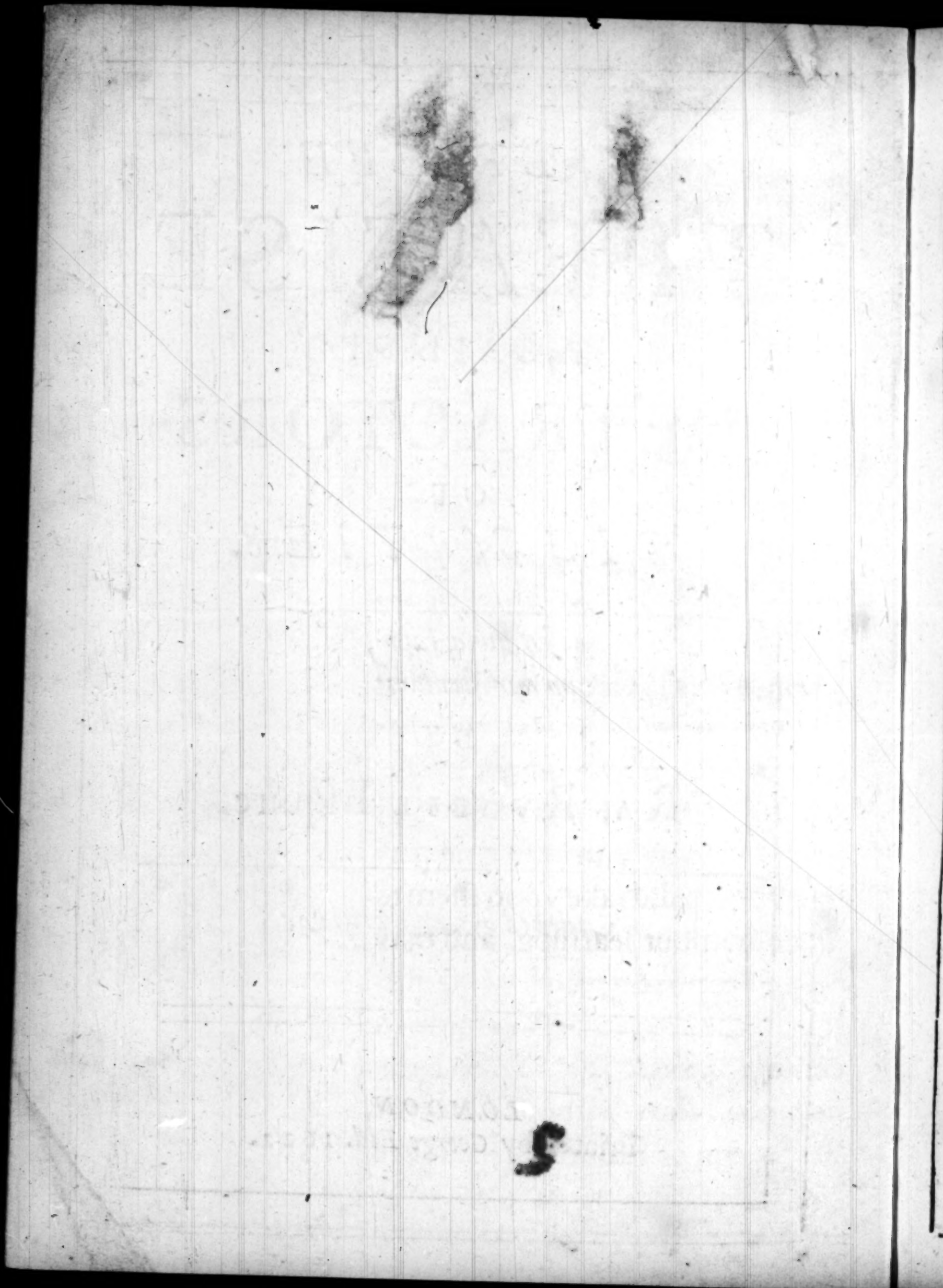


A BRIEF
TREATISE
AGAINST
DETRACTORS
OF
DIGNITIES.

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(I)



AGAINST
DETRACTORS
OF DIGNITIES.



*N*imium admiror ve-
stram hanc insolentiam, eo quod sapientium ministerium, & gradus usurpatis, sapientiae autem studium, & operam neglexistis; It was a saying of King Ælfrea's vnto certaine persons, which did take vpon them to iudge without learning, and may be well applied to those, who question *Dignities*, and presume to censure *Statum* & *Dignitatem Baronetorum*, thus without any true Precedent, or ground. It is shewed

Tho: Walsingham pag. 21 n. 30.

The Booke published by his
Maiestie, touching the creation
of *Baronets*, pag. 19. printed 1611.

Regnerus Sixtinus de Iure rega:
ca. 2.

in the booke published by his Ma-
iestie touching the Creation of
Baronets: That there is nothing of
honor, or value, which is sought, or
desired (be the motives never so good)
but may receive scandall from some,
who wanting the same good affection
to the publique, or being in other consi-
derations incapable, can be contented
out of enuy to those, that are so pre-
ferred, to cast aspersions and imputa-
tions upon them: And out of which
of these, or whether from them all
this proceeds I know not: but cer-
taine I am, great was their error,
to reach at prerogatives so tran-
scendent, and of this high myste-
rie: when as no *Democraticall* go-
uernment could ever ascend vnto
it, it being an *Imperiall* right, due
onely to *Monarchs* to dispose of
Dignities. *Est ius Regalium, vel ius*
Imperij, creandi Magistratus, dandi
Insignia Nobilitatis, sive Nobiles cre-
andi,

(3)

*andi, ad famam & honores restituen
di: Regnerus Sixtinus de Iure Rega:
And herewith agrees the Act of
31. of King H: 8. That it appertai-
neth to the Kings Prerogative Royall
to give such honor, reputation, and
place as to his most excellent wisdom
shall seeme meet. Wherein his Ma-
iestie hath that absolute power,
that if it had pleased his Highnes,
there might haue beene as well in-
serted the like Clause in their Let-
ters Patents, for the Creation of
this Dignity, as was formerly in a
Charter made by his Royall An-
cester King H: 7. sc^t. *Quod Rex non
vult arguendum, communicandum, aut
disputandum, per quoscunq³.* The
which followeth the opinion of
Bracton, Iustice, in the time of King
H. 3. sc^t. *De Chartis Regijs, & factis
Regum, non debent, nec possunt priva-
ta persone disputare.* And that it is
against the duty of a subiect, to de-
teriorate*

Stat: 31. H: 8. cap: 10.

See also Smiths Common-wealth
of England, pag: 28. & 48. accord

2. Parte Patent: anno 1. H: 7.
memb. 21.

Bracton f. 6. & f. 34.

The Mirror of Iustice, cap. 5.

See the Stat: 36. E: 3. cap: 16.
The care had for preservation
of the rights of the Crowne.

Math: 2.

Dier f: 94.

Selden Hon: pag: 208.

Co: li: 7. f. 33.

Ranulphus of Chester f: 387.

Camden Brit: pag: 165. & 167.

Davis Report: f: 60.

Co: li: 9. f: 124.

teriorate his *Highbnes Prerogative*. See the *Mirror of Iustice*, that by the auncient Common Law of England, It was held a crime against *Maiestie*: And that he was periur'd against the oath of a Subject, who did any way substract, or diminish the Rights, or Prerogatives of the King: Yet that these neverthelesse will impugne his *Maiesties Prerogative*, and disable his *Highbnes* in that power his Royall Progenitors had: This shewes they did not as the wise men of the East, (in *Math. 2.*) follow the right starre. Did not King E: 3. create Dukes, and King R: 2. *Marquesses* to be hereditary Dignities, to precede, and goe before *Earles*, and *Barons*, that were farre auncienter? Did not afterwards King H: 6. create *Viscount's* to be an hereditary Dignity likewise, and gavethem the place and precedence of *Barons*? Was not

not also the Institution of the Order of the Garter, and *Banneret's* created by E: 3. and Knights of the *Bath* by H: 6. to take place of Knights Bachelors? and yet were they subsequent *Dignities* vnto them. And hath not the place beene ever given at the Prince his pleasure, and sometimes the Precedencie before them of the same degree, though they were after them created. *Vide Rot: Parl: 23. H: 6.* where King H: 6. granted to *Henry Earle of Warwicke*, this Pre-eminence to be the first, and chiefe Earle of *England*, and to carry this Style, sc^t. *Henricus Præcomes totius Angliæ, & Comes Warwici*, and afterwards created him *Duke of Warwick*, and by these expresse words of his Patent, granted that hee should take his place in Parliament, and elsewhere, next vnto the *Duke of Norfolke*, and before

B

the

Smiths Common-wealth, pag. 25.
Camden Brit. pag. 171. 172.
Selden Hon. pag. 353. 359. 362.

Mils pag. 24.

Ch. a. 23. H. 6. memb. 26. n. 24.
See Camden Brit. pag. 570.

And it appeares in the *Ch. a. anno 27. vsq; 37. H. 6. n. 24. & Orig. 31. H. 6. Rot. 27.* That afterwards H. 6. created *Edmond Hadham Earle of Richmond*, and to take his place as the first Earle of England.

Camden Brit. pag. 570.

Ch. 25. & 26. H. 6. memb. 31.

Bille signata anno 21. & 22. H. 8.

Pat. 18. H. 6. parte 2. memb. 20.
& 23. H. 6.

This was the first honorary, and
hereditary Viscount after the
Conquest.

2. Parte Pat. an. 1. E. 4. memb. 13.

See also Selden Hon. pag. 283.

Pat. anno 5. H. 3. memb. 5.

the Duke of Buckingham: Vide 25.
& 26. H: 6. Humfridus Stafford
Dux Buckingham, quod sit primus
Ducum in Anglia. See 21. & 22. H: 8.
a Grante to Anne Rochford of the
Dignitie of Marchionesse of Pen-
broke, to take her place before all of
her ranck, excepting the Kings Issue:
Vide 18. H: 6. Rex 12^o die Februarij
concessit Iohanni Domino de Beau-
mont, nomen Vicecomitis de Beau-
mont, cum 20. marcis percipiendis
annuatim sibi, & heredibus suis ma-
sculis; & quod habeat locum ante,
& supra omnes Vicecomites fiendos,
sive creandos, & heredes, & filios
omnium Comitum, ac sedem, & hono-
re immediate, & proxime Comitibus
regni Anglie, in Parliamētis: &c. Vide
a: 1. E: 4 Robertus Botill Prior Ho-
spitalis sancti Iohannis Ierusalem. in
Anglia, primus Baro Regni Anglie,
&c. Et vide a: 1. H: 3. Rex &c. sa-
lutem: Obtentu dilecti Militis nostri
Domini

Domini Rogeri de Leyburne, volentes ipsum propter ipsius gratam merita, & accepta servitia culmini nostro gratanter impensa benigno favore prosequi, & dilectione; universitatem vestram affectuose rogamus, quatenus ipsum ubicunq; locorum, de cæterotantum nostrum Militem ob nostram reverentiam honore debito velit prosequi, & gratia speciali, &c.

Hath not his Maiestie the like power? And wherein is this creation of *Baronets* more grievous, and hurtfull, then those former hereditary *Dignities* were? Was there ever any exception taken to them? No not any. It is said onely that King R: 2. made *John of Beaufort* sonne to *John of Gaunt*, and Earle of *Somerset* *Marquesse* of *Dorset*; of which hee was afterwards deprived by King H: 4. And when a Petition was in Parliament by the **Commons** for his restitution, hee

Camden Brit. pag. 165. & 217.

Selden Hon. pag. 217.

most humbly prayed the King, that in regard the name of Mar-
 queſſe was a ſtrange name in this
 Kingdome, that hee would not
 reſtore him to it, neyther would
 hee willingly accept thereof :
 which for your better ſatisfaction
 herein, there is here exemplified
 the Record it ſelfe, *in hac verba*, ſc^r.

Parl. 4. H. 4. memb. 18. Art. 18

Rotulo Parliamenti, a: 4. H: 4. n: 18.
 Le lundy le 6. jour de Novemb. les
 Commons viendrent devant le Roi,
 & les S^rs en Parlement, & entre
 autres choſes, et matires illonques
 monſtrez, et parlez; Meſme les Com-
 mons humblament recomendantz les
 bone, et honorable port, et governance
 del Conte de Somerſet, prierent au
 Roi, que meſme le Conte, purroit eſtre
 reſtore a ſes noſme, et honour de
 Marquis, queux il avoit per devant,
 de quel prier, le Roi, et le S^rs enun-
 tierent les dits Coës. Et le Roi leur
 deſoit quil voiloit eſtre aviſe, et ent-
 faire

faire ceo que luy sembleroit pur le
 mieux touchant cel matire, Et sur
 ceo le dit Conte engenulant, mult hum-
 blament pria au Roi, que comme le
 nosme de Marquis feüst estrange
 nosme en cest Roialme, quil ne luy
 voiloit ascunement doner cel nosme
 de Marquis; quar jammais per con-
 gie du Roi il ne voiloit porter n'ac-
 cepter sur luy nul tiel nosme, en a-
 scun manner: mais nient meins le
 Conte molt cordialement remercia les
 Sn^{rs}. et les Coës de leur bone coers,
 et volente en celle partie. And
 herewithall whosoever will ob-
 serve: first how the said John of
 Beaufort Earle of Somerset obtai-
 ned this Dignitie of Marques a:21.
 R:2. Secondly, that in Parliam^t a:
 1. H:4. He was there dishonored,
 & deprived of this Dignity. Lastly,
 the Kings answer to his said Petiti-
 on made by the intercession of the
 Commons in Parliament, a:4. H:4

That

Rot. Parl. anno 21. R. 2.

Rot. Parl. anno 1. H. 4.

Rot. Parl. a. 4. H. 4.

That hee would be advised, and doe that which should seeme unto him the best in that behalfe; hee may then plainly discern, in what manner hee did refuse it. Yet admit he did, what will they conclude of this, that because one hath no stomack, therefore others must fast also: I thinke few will like of this reason. And though in distribution of *Honors*, his Maiestie is not limited, or tyed to Precedent, but being the fountaine of *Honor* may create what *Dignities* he pleaseth, and may as well conferre *Honors* vpon any man, as he may give value, or worth to any mettall to make it of esteeme, and current: Yet it is easie to prove (what opinions soever there are to the contrary) that the name of *Baronet* is no strange name in this Kingdome. *Vide temp. E. 3. Thomas de Bradeston per Regem E: 3. 15. Octobris*

Davis Reports f. 25.

*Camden Brit. pag. 171.
Selden Hon. pag. 354. & 355.*

*13 E. 3. and appeareth, claus.
de anno 15. E. 4. memb. 11. pro
Willō. Norreys Milite liberate.*

bris anno regni sui 13. factus Baronettus; cui, ut ipse statum Baronetti eo decentius manutenere queat, Rex dedit 500. marcas annuas habendas sibi, &c. See also the printed Stat: of 13. R:2. ca:1. & 14. R:2. ca:11. for Baronets, & vide anno 24. H:6. Rex 18. die Septembris concessit Raimundo de Pys Baronet Capitan: & balliagium de Sauveterre, habend' pro termino vite sue ad valorem 4. li. per annum. See also the booke-case of 35. H:6. for Baronet. It appears also by certaine Court-rols, and Evidences in E:4. time, that one Sir William Craiford of Mungbam in Kent, had then, and therein, the title, and addition of Baronet. Vide 4. & 5. H:8. Rex Omnibus ad quos, &c. salutem. Sciatis quod nos de fidelitate, providentia, strenuitate, et industria, diligentiaq;, et experientia, ac integritate charissimi Consanguinei, et Consiliarij nostri Georgij

2. Stat. 13. R. 2. cap. 1. & 14. R. 2. cap. 11.

Originale de anno 24. H. 6. Rot. 31. Aquitan.

35. H. 6. f. 46.

Temp. E. 4. These remaine in the hands of one Mr. Gittins of Burntwood in Essex.

Bille signata annis 4. & 5. H. 8.

See also Holinshed Chron. pag. n. (his 3. volume for
322. 49. a. Baronets.
331. 30. b. Baronets.
359. 60. a. Baronets.
373. 60. a. Baronets.
384. 10. a. Baronets.
865. 10. b. Baronets.

Bille signata anno 4. E. 6. & Originalale de eodem anno, Rot. 20. & 9. parte Paten. 4. E. 6.

Bille signata anno 1. Maria Regina.

Georgij Comit̃s Salop: Senescalli Hospitiij nostri, ac Militis Ordinis nostri Garterij plurimum confidentes: eundem locum tenentem nostrum generalem, Ducemque primarium, & gubernatorem totius primæ aciei, et exercitus, ac Armatae nostræ, favente altissimo, ad partes exterarum profecturæ, ac omnium, et singulorum Capitaneorum, Vicecapitaneorum, et locatentium, Baronum, Baronettorum constituimus, &c. vide 4. E. 6. Rex &c. Cum in consideratione fidelis, et acceptabilis servitiij nobis per dilectum servientem nostrum Radul: Fane Militem in guerris nostris, quam aliter antehac facti, et impensi, idem Radus ad Statum, Gradum, Honorem, et Dignitatem Baronetti per nos erectus, suscitatus, et creatus extiterit, &c. Et vide 1. Maria; Willielmus Howard Miles Dominus Howard de Effingham, magnus Admiralus Angliæ, Walliæ, Hiberniæ, Normanniæ,

Normannia, Gasconia, et Aquitania
fit locum-tenens generalis; Duxq;
primarius, et Gubernator totius Clas-
sis armatae nostrae regiae, in quibuscunq;
partibus super mare, ad tuitionem, et
defensionem Amicorum nostrorum pro-
fectura, ac omnium, et singulorū Na-
vium, Capitaneorum, et locum-tenen-
tium, Baronum, Baronettorum, &c.

Yet notwithstanding the testimo-
 ny of these, and others, I will not
 affirme, that the distinct, and here-
 ditary *Dignity of Baronets* was ever
 knowne vnto vs, before the Crea-
 tion of them by our present Sove-
 raigne: For I am not ignorant of
 the opinions of the learned con-
 cerning the former, that *Baronul-*
lus, Baronettus, et Banerettus, were
 aunciently all one, and were pro-
 miscuously vsed for *Banerets*. Tou-
 ching this kinde of hereditary
 Knighthood, which (say they)
 was never before heard of, see the

C

Patents

See 2. Stat. 5. R. 2. ca. 4. in the
 Abridgements of Stat. for Ba-
 ronet, and in the Stat. at large
 Baneret, and yee shall also finde
 the same person in one and the
 selfe-same Record, sometimes
 written Baronet, and sometimes
 Baneret. For which see that of
Bradeston, 13. E. 3.

See *Mils* pag. 24. that there are
 hereditary Knights at this day
 in *Italy*.

Rot. Vascon 13. E. 3. memb 13.
For this also you haue an Au-
thor entituled, *The Treasury of*
Times, pag. 527. herewith con-
curring.

And it is further proved ex
claus. 7. R. 2. memb. 32. in dorso.

Math. Paris pag. 1249.

Stat. 1. E. 2.

7. H. 6. f. 14. 15.

See *Camdens Brit.* pag. 174.

That they fined for not being
knighted. See also *Selden Hon.*
pag. 319. 320.

Vide Dorso clausarum de anno 3.
H. 3. memb. 24. Quisquis Laicus
plenæ ætatis, qui feodū vnius Mi-
litis tenet, & Miles non est, arma
cipiat, & se Militem fieri faciat,
sicut feodum vel feoda sua diligit.

Selden Hon. pag 321. 322.

Roger Hoveden pag 611. 614.

Patents in 13. E. 3. vnto *William de*
laPole, and the like vnto *Bradeston*;
which sheweth that *Banerets* were
then hereditary, & that for main-
tenance of their Dignity, lands
were given vnto them and their
heyres. And our auncient feoda-
ry Knights, here in *England*, were
in a manner hereditary: For, if a
Knights fee which was 20. li. land
per annū, had descended vnto one,
he was compellable to take, and it
seemeth, of right might have de-
manded a Knighthood, and also
the armes, & equipage of Knight-
hood, which belonged to a
Knights Fee; That is to say, *His*
Horse, Speare, Sword, and Target
was to descend vnto the heire, and
not to goe to the executors, as it is
of other personall things. For this
reade likewise *Roger Hoveden. The*
Constitutions vnder King H: 2. fc.
Quicumq; habet Feodū vnius Militis,
habeat

habeat lorica, et Cassidem, & clypeum, & lanceam, & omnis Miles habeat tot loricas, cassides, clypeos, & lanceas quot habuerit feoda Militum in Dominio suo, & si quis hæc habens arma obierit, arma sua remaneant heredi suo, & si heres de tali ætate non sit, quod armis uti possit, si opus fuerit, ille cum qui habebit in custodia, habeat similiter custodiam armorum, & inveniat hominem, qui armis uti possit in servicio Domini Regis, si opus fuerit, donec heres de tali ætate sit, quod arma portare possit, tunc ea habeat. By which also, as by this that followeth out of Bracton, and others, it appeareth, that from our auncient Nobilitie arose the principall strength, and safeguard of this Land, (who writeth thus of those that were in his time,) *Comites, quia à Comitatu, sive societate nomen sumpserunt, qui etiam dici possunt Consules à consulendo,*

See Ranulphus f. 61. and in the end of the old *Mag. Char.* f. 168. and *Selden Hon.* pag. 278. That of these Knights fees, there were aunciently in this Kingdome many thousands, and of Baronies 250. at one time.

Vide Fleta li. 9. ca. 9.

Bracton fol. 5.

Vide Rot. Parl. anno 21. R. 2. viz. Pur ceo que le greinder supportation de chescun Realme consiste des dignes person's de state, & de honor que purront enforcer, & fortifier le Scepter du Roi, &c.
See also the Preambles of Letters Patents for creation of Dignities accord.

*Vide Hotoman, li. 1. Feud. Tit. 1.
§. 1. & tit. 7. Alij sunt Capitanei
Regni, quo verbo Duxes, Comites,
Marchiones, intelliguntur.*

*Vide Bracton, li. 2. ca. 34. f. 76.
Nisi capitale Mesnagium illud sit
caput Baronie propter ius Gladij,
&c.*

*See Camden Brit. pag. 175.
Knight aunciently the name of
charge, and function.*

*Vide Iohann. Basanum, li. 2. pag.
125. Sicut Cælum stellis, sic terra
Nobilibus, & heroicis personis in-
signitur.*

Reges enim tales sibi associant, ad
consulendum, & regendum populum
Dei, ordinantes eos in magno hono-
re, potestate, & nomine, quando
accingunt eos gladijs: Gladius au-
tem significat defensionem Regni, &
Patriæ: Sunt & alij Potentes sub
Rege, qui dicuntur Barones, hoc
est Robur belli: Sunt & sub Rege
Milites, scilicet ad Militiam exercen-
dam electi, ut cum Rege, & supra-
dictis militent, & defendant Pa-
triam, & Populum Dei, &c. And
as you haue heard how by these
Dignities, and Persons of Honor,
this Kingdome was aunciently
fortified, and defended, so shall
you likewise finde, that by this
encrease of Dignitie, there will
be an increase of strength to the
Common-wealth; and that these
will be eminent, whenas others
peradventure of greater abilitie,
will neyther desire, nor deserve
Honor,

Honor, but rather seeke obscuritie to shunne the charges of the Common-weale; then be discovered, vpon the Act of 33. of King H: 8. to finde Armes for defence of their Countrie, though it were in time of greatest necessitie. And that the publique good is advanced by this addition of *Honor*, heare also the opinion of a principall Secretary to King E: 6. who holds, that the more *Dignities* there are, the better it is for the Common-wealth: For saith hee, the Gentleman is more charged then the Yeoman, which hee beareth the gladlier, and dare not gaine say it, for to save, and keepe his honor, and reputation, and in any Shew, or Muster, or other particular Charge of the place wherein hee is resident, as for the poore, or otherwise, hee opens his purse wider,

By this Act of 33. H. 8. ca. 5. Certaine persons nobled are to finde a horse for service, & such whose wives shall weare, any filke, or Velvet, gold, pearle, or pretious stone.

Smiths Common-wealth of Engl.
pag. 29.

wider, and augments his portion
 about others, or else he doth di-
 minish his reputation. For this
 you may reade him at large. To
 returne to the matter, and to an-
 swer him who holds that this Dig-
 nity of *Baronets* is against the Law,
 because no hereditary Dignity (as
 hee would haue it) can be entailed
 within the Statute of *Westm^r. 2.* but
 it must haue relation to a Realtie,
 and haue lands to goe therewith:
 I confesse his opinion may well
 agree with the phrase in our writs;
Quod injustè, et sine iudicio cepit, &c.
 And according to this vaine runs
 his tongue, but not with the Law;
 For vnlesse it were by him, it was
 never so adjudged: And hee may
 learne thus much, that constru-
 ctions of *Dignities* are not alwaies
 taken according to the strict rules
 of the Common-Law: Nor if you
 are to try the right of a Dignity,
 shall

Stat. *Westm^r. 2 ca. 1.*

Register of Writs, f. 196.

F. na. br. f. 177.

See Co. li. 7. f. 33.

shall it be tryed by Iury; neyther doe the Maximes, or grounds in Law, hold in matter of *Honor*, for there is no copercenary of a *Dignity*; nor haue you a Tenant by the courtesie of a *Dignity*: neyther is there *Possessio fratris* of a *Dignity*: No more can a *Dignity* be transferred, though it be given to a man and to his heyres. And whereas it is obiected, that *Baronets* being an hereditary *Dignity*, if they fall into poverty, they and their heires shall notwithstanding take the place of Knights. I answer, that this is a chance incident vnto all *Dignities*, and to Knighthood also: yet that there is a remedy for this, and the like grievance, they may vnderstand, that if the possessions of any persons nobled are so decayed, that they haue not wherewith to support their *Dignity*, there is a meanes to deprive them

Co. li. 11. f. 1.

Mils pag. 71.

Vide Rot. Parl. apud Westm^r. anno 27. H. 6. memb. 4. Art. 18.

Bracton li. 2. cap. 34. f. 76.

Mils pag. 27.

See also the Customs of Normandy, f. 120.

Mils pag. 76.

Co. li. 3. f. 42.

Smiths Commonwealth of England, pag. 21. 22.

Mils pag. 29.

Rot. Parl. anno 17. E. 4.

them of it. See how in 17. E: 4. *John Marques Montague*, and *George Duke of Bedford*, were by Act of Parliament degraded of all honorable Titles in these words, sc^t. Whereas afore this time, the King our Sovereigne Lord, for the great love, and zeale he bare to *John Nevill*, late named *Marques Montague*, and other considerations him moving, did erect and make *George Nevill* the eldest sonne of the said *Marques*, to be *Duke of Bedford*: And at that time, for the great love, that his said *Highbnes* bare to the said *John Nevill*, purposed, and intended to haue given to the said *George* for sustentation of the same Dignity sufficient livelihood: and for the great offences, vnkindnes, and misbehavings that the said *John Nevill* hath done, and committed to his said *Highbnes* (as is openly knowne) hee hath no cause to

to depart any livelihood vnto the
 said *George*: And forasmuch as it
 is openly knowne, that the said
George hath not, nor by inheri-
 tance may have any Livelihood
 to support the said *Name, Estate,*
 and *Dignity*, or any name of *E-*
state. And oftentimes it is scene,
 that when any Lord is called to
 high estate, and hath not liveli-
 hood conveniently to support the
 said *Dignitie*, it induceth great
 povertie, and indigence, and cau-
 seth oftentimes great extortion,
 embracery, and maintenance to
 be had, to the great trouble of all
 such Countries, where such Estate
 shall happen to inhabit: Where-
 fore the King by the advice, and
 consent of his Lords, spirituall, &
 temporall, and of the Commons
 of this present Parliament assem-
 bled, and by the auctoritie of the
 same, hath ordained, established,
 D and

and enacted, that from henceforth the said erection, and making of Duke, and all the names of Dignity given to the said George, or to the said *Iohn Nevill* his father, be from henceforth void, and of none effect: And that the said George, and his heires, from henceforth be no Dukes, nor *Marquesses*, *Earles*, nor *Barons*, for no erection, or creation before made: But that the name of Duke, and *Marques*, *Earle*, and *Baron*, in him, and his heires, cease, and be void, and of none effect (the said Erection, or Creation notwithstanding. Yee shall also reade in *Nevils Case* reported of by Sir *Edw: Coke*, that, As in auncient times the Senators of *Rome* were elected à *Censu*, of their Revenues: so, in former times in conferring of *Nobilitie* here with vs; there was respect had vnto their Revenues, by which

Co. li. 7. f. 33. & 34.

*Quinctiam si posteaquam electus
esset Senator Censum labefactasset,
Ordinem amittebat. Sigonius de
antiquo iure Civium Rom. li. 2. ca. 2.*

which their *Dignitie* and *Nobilitie* might be supported, and maintained; through the want whereof great mischief may ensue: For no *Capias* lyeth against a Lord of the Parliament, in that the Law presumes he hath sufficient freehold *ad sustinendum nomen, & onus*, and wherewith to satisfie eyther debt, or trespasse; the which wanting, all remedy in such case faileth: Therefore Antiquitie hath set downe a Competencie of livelihood for these degrees following, sc^t. 12. Plough-lands for a Knights fee, as sufficient to maintaine the degree of Knighthood: 13. Knights fees to be a convenient living for a *Baron*: 20. for an *Earle*: 26. for a *Marques*: 40. for a *Duke*. According to which, his Maiestie hath likewise beene pleased to set downe the revenue of a *Baronet*, to be 1000. li. land *per annum de*
claro,

*Britton f. 68. 29. E. 3. f. 42.
 11. H. 4. f. 15. 1. H. 5. f. 14.
 14. H. 6. f. 2. Co. li. 6. f. 52.*

Id solum privilegium habent Nobiles à regibus in gratificationem obsequium Reipublicæ. Molin. Tract. 2. pag. 1455.

Co. li. 9. f. 124.

Co. li. 7. f. 33. & 34.

The Booke published by his Maiestie touching Baronets, pag. 17. printed 1611.

Lamb. Peramb. pag. 368.

Qui utiliter, & decenter Magistrat fungi debent, sint divites bonis animi, doctrina, iustitia, sapientia, pietatis auro abundant. Plato li. 7. de Repub.

Fulbeck li. ult. ca. 9. f. 67.

See Stat. 18. H. 6. ca. 11. 9. E. 2. 4. E. 3. 9. 5. E. 3. 4. 14. E. 3. 8. 1. H. 8. 8. 3. H. 8. 2. 35. H. 8. 6. 2. E. 6. 32. & Stat. 27. Eliz. cap. 6.

Register of Writs, f. 178. 12. H. 7. f. 4.

claro, of Inheritance, whereof two parts at the least to be in possession, and the third in reversion. And though true it is, that, *Vtilior est sapientia cum divitijs conjuncta*: Yet it is not hereby intended, that vertue is measured by the acre, or that it consists in riches: For strength is not alwayes found by greatnes, nor in multitude, no more is inward ability by outward wealth: Nor were those Lawes which require freehold in Iustices, Shierieves, Coroners, Escheators, Iurors, and Bailiffes of Liberties, made out of any other respects, then meerly to the end, that if these transgresse in their office, or duty, they should render satisfaction for it, as well by their estates, as otherwise. To conclude, seeing it is his Highnes pleasure to create this Dignity, and in that, it is lawfully granted, and is no way more preiudicious

preiudicious in the continuance, then any other former hereditary Dignity is, or hath beene: And it so being, that his Maiestie, who is the chiefe *Iudge* of vertue, and merit, is pleased to esteeme them worthy of this Dignity, it is not for you nor any then to dispute it. See Sir Drue Duries Case, that if the King knighteth one within age: who is vnable to doe Knights service, *Tout's sont conclude à dira le contraire de ceo, pur ceo, quant le Roi, que est le soveraigne, & supreme Iudge de Chivalrie, ad dubbe luy Chivaler; il per ceo ad adiudge luy able.* See likewise the auncient Lawes of this Land, both before, and since the Conquest; and also the Civill-Law, against traducing of Honor, or Worship. And see 2. of Peter 2. 10. *Presumptuous are they, selfwilled, they are not afraid to speake evill of Dignities.* See *Camdens Remains,*

Co. li. 6. f. 73. 74.

See *Ranulphus* f. 61.
Saxon in his description of England, cap. 71. *Britton* f. 49. b.
Bal. l. Obser. Petrus Geral. in suis Singular. 33.

2. Pet. 2. 10. in the last Translation. Iude 8.

Camdens Remains pag. 138.

Codicis Theodos. li. 6. Tit. 5.

*mains, or in the Code of Theodosius;
Tit. Vt Dignitatum ordo servetur:
Si quis indebitum sibi locum usurpa-
verit, nulla se ignoratione defendat,
sitq; plane sacrilegij reus.*

FINIS.

